



- अखिल भारतीय तकनीकी शिक्षा परिषद्
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION
(भारत सरकार का एक सांविधिक निकाय) (A STATUTORY BODY OF THE GOVT. OF INDIA)

F. No. 104-10/B1/Admn(s)/2010/2244

Dated : 10th August, 2015

OFFICE ORDER

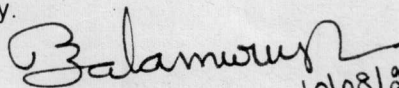
In Partial Modification of this Office Order No. 104-10/B1/ Admn(S)/ 2010/ 1311 dated 04/05/2010 and subsequent Office Order No. 104-10/ B1/ Admn(S)/ 2010/1154 dated 13th /16th April 2015, the Competent Authority in the Council hereby reconstitute the following Internal Complaint Committee (ICC) under the provisions of Section 4 of Sexual Harassment of Women at Workplace Prevention, Prohibition and Redressal Act, 2013:

- (1) **Mrs. Vinita Arya**, Director RIFD/ Finance, AICTE - Presiding Officer;
- (2) **Mrs. G. Manushree**, Dy Director, Approval, AICTE - Internal Member;
- (3) **Mr. Rahul Garg**; Assistant Director (UB), AICTE - Internal Member;
- (4) **Mrs. Arunima Dwivedi**, Advocate, Supreme Court of India, Chamber no. 358, Lawyers Chamber, Block No. I, New Delhi-110003 - Outside Member familiar with Sexual Harassment issues.

The Committee should also make an Annual Report of the complaints and action taken by them to be submitted to Ministry of Human Resource Development, Department of Higher Education, (Technical Section-II), Shastri Bhavan, New Delhi.

The Non-Official (at Sl.No-4 above) shall be paid TA/DA and Honorarium for attending the Committee Meeting as per AICTE Rules.

This is issued with the approval of Competent Authority.


(R. Balamurugan) 10/08/2015
Assistant Director (Admn)

To,

1. Smt. Vinita Arya, Director RIFD/Finance, AICTE HQRS, New Delhi.
2. Smt. G. Manushree, Dy. Director, Approval, AICTE Hqrs, New Delhi,
3. Mr. Rahul Garg, Assistant Director, University Bureau, AICTE, New Delhi,
4. Mrs. Arunima Dwivedi, Advocate, Supreme Court of India, Chamber No. 358, Lawyers Chamber, Block No. I, New Delhi-110003

CC to:


1. PS to Chairman/VCM/ MS;
2. All Bureau Heads, AICTE;
3. All Regional & Camp Offices of AICTE,
4. Under Secretary (TC), Technical Section-II, Department of Higher Education, Ministry of Human Resource Development, Shastri Bhawan, New Delhi-110001
5. Sr. A.O. (Per)/A.O. (Adm. III)/CE/Hindi Cell for translation in Hindi
6. Office Order File/ Notice Board.

OFFICE MEMORANDUM

Subject: Selection of Internal Complaint Committee members as per the provision of Section 4 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The undersigned is directed to state that Government of India has enacted Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the Act) to provide a safe and secure environment to women at the workplace. The Act has come into force on 9th December 2013.

2. The Act under section 4 casts an obligation upon all the employers to constitute Internal Complaint Committee by an order in writing for receiving complaints of sexual harassment. The qualifications of Chairperson and other Members of ICC are provided under Section 4(2) of the Act.
3. Earlier this Ministry vide its O.M. dated 12th November, 2014 had requested all the Central Ministries/Departments to provide information about the constitution of Internal Complaint Committees within their respective Ministries/Departments along with PSUs and other attached offices/units. On perusal of details of the ICC provided by various Ministries/Department, it is observed that the ICC constituted within various Ministries/Departments are not as per laid down provisions under the Act. In some cases there are less number of women members than prescribed. Further members of Non-governmental Organisation has not been included. It has also been noticed that Internal Complaint Committees were constituted in some Ministries/Departments before the enforcement of the Act i.e 9th December, 2013 which are required to be re-constituted.
4. Hence, it is requested to kindly re-constitute the same by adhering to the prescribed criteria laid down in section 4(2) of the Act. A copy of the Act and Rules framed there under are enclosed herewith for reference.


(Lopamudra Mohanty)
Director
Tel. No. 23074215

To
The Secretaries of Ministries/Departments to the Government of India
(As per list attached)

Dy. No. 354/Vig./2015
05-03-15

S-on to
JSLA

11/2
26/2

DS(A)

26/02/15
US (EST)

For vigilance Branch.

US (y/g.)

27/2/2015

27/03/2015

SO (Vig.)

- (1) लैंगिक उत्पीड़न के विरुद्ध विनियमित कार्यवाही या जागरूकता कार्यक्रमों की स्थापना,
 (2) नियोजन या विला अधिकारी द्वारा की गई कार्यवाही का स्वरूप।

[प्रा. सं. 10-5/2013-डब्ल्यूडब्ल्यू]

श्री. श्रीराम, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT
 NOTIFICATION

New Delhi, the 9th December, 2013

G.S.R. 769(E). -In exercise of the powers conferred by section 29 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement. (1) These rules may be called the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - In these rules, unless the context otherwise requires,-

- (a) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
 (b) "complaint" means the complaint made under section 9;
 (c) "Complaints Committee" means the Internal Committee or the Local Committee, as the case may be;
 (d) "incident" means an incident of sexual harassment as defined in clause (n) of section 2;
 (e) "section" means a section of the Act;
 (f) "special educator" means a person trained in communication with people with special needs in a way that addresses their individual differences and needs;
 (g) words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Fees or allowances for Member of Internal Committee.- (1) The Member appointed from amongst non-government organisations shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the Internal Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The employer shall be responsible for the payment of allowances referred to in sub-rule (1).

4. Person familiar with issues relating to sexual harassment.- Person familiar with the issues relating to sexual harassment for the purpose of clause (e) of sub-section (1) of section 7 shall be a person who has expertise on issues relating to sexual harassment and may include any of the following:-

- (a) a social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favourable towards empowerment of women and in particular in addressing workplace sexual harassment;
 (b) a person who is familiar with labour, service, civil or criminal law.

1. Fees or allowances for Chairperson and Members of Local Committee.- (1) The Chairperson of the Local Committee shall be entitled to an allowance of two hundred and fifty rupees per day for holding the proceedings of the said Committee.

(2) The Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) of section 7 shall be entitled to an allowance of two hundred rupees per day for holding the proceedings of the said Committee and also the reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less.

The District Officer shall be responsible for the payment of allowances referred to in sub rules (1) and (2).

6. Complaint of sexual harassment. - For the purpose of sub-section (2) of Section 9,-

- (i) where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by -

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(v) a dwelling place or a house;

(ii) "unorganised sector" in relation to a workplace means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Prevention of sexual harassment

3. (1) No woman shall be subjected to sexual harassment at any workplace.

(2) The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment:

- (i) implied or explicit promise of preferential treatment in her employment; or
- (ii) implied or explicit threat of detrimental treatment in her employment; or
- (iii) implied or explicit threat about her present or future employment status; or
- (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- (v) humiliating treatment likely to affect her health or safety.

CHAPTER II

CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

Constitution of Internal Complaints Committee

4. (1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee":

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committee shall consist of the following members to be nominated by the employer, namely: -

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section (1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organisation,

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge,

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment:

Provided that at least one-half of the total Members so nominated shall be women.

(3) The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

(4) The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer as may be prescribed.